



**MICHIGAN  
CHAMBER**  
*of Commerce*

**MEMORANDUM**

**To:** Members of the Senate Judiciary Committee  
**From:** Wendy Block, Michigan Chamber of Commerce  
**Date:** April 23, 2013  
**Re:** MI Chamber Opposes Workers' Compensation Cancer Presumption (SB 211)

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The purpose of this memorandum is to inform you of the Michigan Chamber's opposition to Senate Bill 211. While the Michigan Chamber fully supports the brave work of firefighters recognize the risks they undertake each and every day, we are opposed to SB 211 because we believe worker's compensation benefit determinations should be made on a case-by-case basis, not by state or federal mandates.

Senate Bill 211 erodes the basic principle of the worker's compensation system (i.e., that eligibility should be based on injuries that result out of and in the course of employment) by creating a preference for a class of employees and shifting the burden of proof to the employer. As a result, this legislation would allow firefighters to claim they contracted cancer from exposure to fumes while fighting fires, but without actually having to prove that the cancer was in fact caused by those fires or their work.

In addition, SB 94 would increase the cost of municipal government at a time when local officials need the Legislature's help in controlling costs. Similar legislation passed in Pennsylvania has resulted in higher insurance costs for municipalities and caused two insurers to drop coverage for unpaid firefighters.<sup>1</sup>

The wide-reaching scope of this legislation deserves further scrutiny, especially when you consider the following questions:

- Would a firefighter who worked on the job for two years in his 20s and developing cancer in his 60s have presumptive eligibility? (As written, the bill would only exempt individuals who were "consistent smoker[s]" of cigarettes or other tobacco products within the ten years immediately preceding the date of filing a claim.)
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<sup>1</sup> [http://www.firehouse.com/news/10774478/some-insurers-drop-workers-comp-for-pa-volunteers?utm\\_source=FH+Newsday&utm\\_medium=email&utm\\_campaign=CPS120831003](http://www.firehouse.com/news/10774478/some-insurers-drop-workers-comp-for-pa-volunteers?utm_source=FH+Newsday&utm_medium=email&utm_campaign=CPS120831003)

- Should the worker's compensation program be required to pay for the treatment of preventable or naturally occurring cancers, such as those brought on by a lifetime of poor diet, lifestyle choices or family history?
- Is the employer's burden of proof insurmountable (i.e., would be possible for an employer to prove/show that an illness or injury occurred away from work since employers are not with their employees 24 hours a day, seven days a week, monitoring their environment, diets, or exposure to carcinogens...nor are they able to know what that employee may have done 10 or more years before he/she started on the job)?

We respectfully urge a "no" vote on SB 211. Please feel free to contact me at 517/371.7678 if you have any questions.